

Application Serial No.: 10/660,818

Attorney Docket No.: 0278

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REMARKS

This is in response to the *Non-Final* Office Action of June 28, 2006, where the Examiner has rejected claims 1-19. By the present Amendment and Response, applicant has amended claim 4, and added new claims 21-62. After the present Amendment and Response, claims 1-19 and 21-62 are pending in the present application. Reconsideration and allowance of outstanding claims 1-19 and 21-62 in view of the following remarks are requested.

A. Rejection of Claim 4 under 35 USC § 112, ¶ 2

The Examiner has rejected claim 4, under 35 USC § 112, ¶ 2, because the limitation "the reverse burn mode" does not have a proper antecedent basis. By the present amendment, applicant has amended claim 4 to replace "the reverse burn mode" with --a reverse burn mode--. Accordingly, applicant respectfully submits that the Examiner's rejection of claim 4, under 35 USC § 112, ¶ 2, has been overcome.

B. Rejection of Claims 1-12 and 14-19 under 35 USC §102(e)

The Examiner has rejected claims 1-12 and 14-19, under 35 USC §102(e), as being anticipated by Weitbruch, et al. (US Publication No. 2004/0165064) ("Weitbruch").

Applicant hereby swears behind the effective filing date of Weitbruch, i.e. June 15, 2002, under 37 C.F.R. § 1.131. Under 37 C.F.R. § 1.131, the owner of the claimed invention may submit an appropriate declaration to overcome a reference. The showing of facts shall be such as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the

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effective date of the reference to a subsequent reduction to practice or to the filing of the application. See 37 C.F.R. § 1.131. Applicant respectfully submits that claims 1-12 and 14-19 are allowable over Glenn based on the following remarks.

Pursuant to 37 C.F.R. § 1.131, attached is a declaration from Brent McKay, the inventor of the above-referenced patent application. (Decl. ¶ 1.) The innovation disclosure notes, dated January 19, 2002, describe the invention of the above-described patent application, by reciting the steps of “monitor usage” and “identify underused pixels/subpixels” to “create conditioning image.” (Decl. ¶ 3.) Applicant respectfully submits that the innovation disclosure notes evidence that the inventor conceived and was in possession of the presently claimed subject matter prior to June 15, 2002.

Further, filing of the provisional patent application serial no. 60/410,539, on September 12, 2002, evidences that the invention of the above-referenced application was reduced to practice in the United States using due diligence after conception. (Decl. ¶ 4.)

Accordingly, applicant respectfully requests that the rejection of claims 1-12 and 14-19, as being anticipated by Weitbruch, under 35 U.S.C. § 102(e), be withdrawn.

C. Rejection of Claim 13 under 35 USC §103(a)

The Examiner has rejected claim 13, under 35 USC §103(a), as being unpatentable over Weitbruch.

Applicant respectfully submits that claim 13 depends from claim 1, and should be allowed at least for the reasons stated above in conjunction with patentability of claim 1.

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D. New Claims 21-62

By the present amendment, applicant has added new independent claims 21, 35 and 49, and their respective dependent claims 21-34, 36-48 and 50-62. Applicant respectfully submits that no new matter has been added, and new claims 21-62 are supported by the present application, as filed.

E. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-19 and 21-62 pending in the present application is respectfully requested.

Respectfully Submitted,
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11/28/06
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